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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JEFFREY W. TAM,	)	No. 07-2747 SI
	)	
Plaintiff,	)	<b>DEFENDANT'S MOTION FOR</b>
	)	<b>LEAVE TO FILE ADDITIONAL</b>
v.	)	<b>REPLY BRIEFING IN SUPPORT OF</b>
	)	<b>DEFENDANT'S MOTION FOR</b>
JOHN E. POTTER, Postmaster General,	)	<b>SUMMARY JUDGMENT</b>
	)	
Defendant.	)	

Defendant moves this Court to permit defendant John E. Potter leave to file additional reply briefing in support of his motion for summary judgment by June 20, 2008. The additional time and reply briefing is needed because plaintiff did not serve defendant with a copy of his opposition to defendant's motion for summary judgment until June 12, 2008, one day before the deadline for defendant's reply.

Pursuant to the Court's September 10, 2007 Pretrial Preparation Order ("Order") defendant timely filed his motion for summary judgment on May 23, 2008. As stated in the Court's September 10, 2007 Order, plaintiff had until June 6, 2008 to file his opposition to defendant's motion. Plaintiff did not serve his opposition on defendant until June 12, 2008, one day prior to defendant's deadline for filing its reply in support of his motion for summary

1 judgment. (Declaration of Jennifer S Wang In Support of Defendant's Motion Requesting  
2 Leave to File Additional Reply Briefing in Support of Defendant's Motion for Summary  
3 Judgment ¶ 2). Plaintiff does not appear to have filed his opposition with the Court. (*Id.* ¶ 3).

4 To permit defendant sufficient time to address the arguments raised by plaintiff in his  
5 opposition, defendant requests leave to file additional reply briefing in support of his motion for  
6 summary judgment by June 20, 2008.

7 Respectfully submitted,

8 JOSEPH P. RUSSONIELLO  
9 United States Attorney

10 /s/

11 Dated: June 13, 2008

12 \_\_\_\_\_  
JENNIFER S WANG  
Assistant United States Attorney

13 **[PROPOSED] ORDER**

14  
15 The Court, having considered the briefing regarding defendant's motion for leave to file  
16 additional reply briefing in support of his motion for summary judgment in the above-captioned  
17 case,

18 IT IS HEREBY ORDERED that defendant may file additional reply briefing in support  
19 of his motion for summary judgment by June 20, 2008.  
20

21  
22 IT IS SO ORDERED.

23 DATED: \_\_\_\_\_

24 \_\_\_\_\_  
SUSAN ILLSTON  
United States District Court Judge